

# LOCAL WORKFORCE DEVELOPMENT AREA DESIGNATION

## POLICIES AND PROCEDURES

Missouri Department of Higher Education  
And Workforce Development

**Office of Workforce Development**

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## OVERVIEW

The Workforce Innovation and Opportunity Act (WIOA) requires the Governor to designate local workforce development areas (LWDA) in order for the state to receive funding under title I of WIOA<sup>1</sup>.

Local areas serve as jurisdiction of the administration of workforce development activities and the implementation of WIOA title I programs (adult, dislocated worker, and youth).

The Governor may review local areas at any time to evaluate whether that area continues to meet the requirements set forth in WIOA and supporting regulations. In addition, the Governor may review requests<sup>2</sup> for designation as a LWDA from any unit of general local government, including a combination of such units, if the State Workforce Development Board determines that the area meets requirements listed in 20 CFR 679.240(a)(1) and recommends designation.

## PURPOSE

The purpose of this guide is to provide guidance to units of government, Local Workforce Development Boards (LWDBs), and Chief Local Elected Officials (CLEOs) of the requirements, process, or other activities to facilitate a change to or designation of a local workforce development area.

## REQUESTS

Various circumstances may arise that would prompt a request to create changes within a designated local area or to designate an entirely new local area. Such circumstances are allowable and require approval by the Governor. Examples include:

- A local area, or even a unit of government within the area, requests to move a county from current local area to another
- A county, through support of its local government unit, requests to become its own local area
- A local area requests to dissolve current local area and move all counties to another local area
- Multiple local areas request to merge, creating a new LWDA

## PRELIMINARY WORK

All requests must be made in consultation with the Office of Workforce Development (OWD). This requires the LWDBs and/or unit(s) of government to include OWD in all

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<sup>1</sup> 20 CFR 679.210(a)

<sup>2</sup> 20 CFR 679.240(c)

meetings from the start. OWD will assist in the facilitation of discussions and collaboration that must take place with all impacted local area WDBs and CLEOs in each stage of the request process. OWD will provide assistance to:

- Facilitate meetings with each Board and associated CLEOs separately;
- Facilitate meetings with all impacted Boards and CLEOs collectively;
- Delegate information gathering pieces to each responsible board in preparation for completion of the designation application, which includes assigning deadlines;
- Convene final meeting to call for CLEO caucus vote and WDB vote.

Discussions will address: the necessity and purpose of the request, the impact the requested change would have on all parties, and the requirements and information gathering necessary to support the request. All meetings must be conducted in an open manner<sup>3</sup> and meeting minutes retained and published accordingly.

## REQUEST PROCEDURES AND PROCESSES

1. Requestor must submit an initial statement of **Intent to Request Designation Form (Attachment 2)** or other changes directly to the Director of the Office of Workforce Development. The request must include signatures from the CLEO and Board Chair of the impacted LWDBs. Although the request does not require signatures from all parties at this point, each LWDB and CLEO caucus must have been involved in the discussion approving the decision to submit the intent to request designation form.

Initial requests must be made by the end of October prior to the new program year. A program year runs July 1 through June 30. Requests can be made at any time but are not guaranteed to be approved by the next program year. Such requests will be accepted at the discretion of the OWD Director.

OWD will assist with the request as stated above. OWD will work with the requesting area to determine all deadlines for the full request.

2. OWD will inform the State Workforce Board (SWDB) of the initial statement of intent received.
3. OWD will facilitate meetings between all parties to assist in discussions and gather feedback and support. Steps must include:
  - a. CLEO caucus vote in support of the designation, including signatures of all elected officials.

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<sup>3</sup> 20 CFR 679.390

- b. Opportunity for board member feedback, public comment period, and final vote of the board in support of the designation, including signatures of all board members.
- 4. Requestor must submit a completed **Local Area Designation Application (Attachment 3)** by the prescribed deadline.

Completed application must be submitted to OWD via email to [owd.director@dhewd.mo.gov](mailto:owd.director@dhewd.mo.gov).

- 5. Upon receipt, OWD will review the request to determine if the application addresses all requirements.
- 6. OWD will forward the full application to the SWDB for review and submit a request for the public-comment process.
  - a. The SWDB will review the full application and vote to put the request out for public comment.
  - b. Upon approval of the SWDB, OWD will publish a public notice regarding the designation request on its website for public comment for a period of 30 days.
  - c. OWD will publish a public notice regarding the designation request as an agenda item for the next scheduled SWDB meeting.
  - d. The SWDB meeting will be open to the public and comments about each request will be allowed and heard.
  - e. The SWDB will vote to recommend the designation of the local area to the Governor.
- 7. Upon receipt of final recommendations from SWDB, and following consideration of any additional comments, the Governor will:
  - a. Approve or deny each request; and
  - b. Provide written notification of the decision made regarding the request to:
    - i. SWDB;
    - ii. All other previously designated LWDBs and CLEOs; and
    - iii. Any non-designated entities requesting designation.

A public notice of the Governor's determinations will be posted on [jobs.mo.gov](http://jobs.mo.gov).

- 8. Changes to existing local area designations will be forwarded to DOL/ETA for federal approval/recognition in the form of a state plan or state plan modification.

## **EFFECTIVE DATES AND TRANSITION PERIOD**

Approvals will not go into effect until a full program year following the request to allow for a required transition period. The transition period will enable the local area ample

time to address any regulatory requirements associated with the change. Please see the **Local Area Designation Transition Period Checklist** for a list of those requirements.

## **LOCAL AREA DESIGNATION APPEALS PROCESS**

Procedures for appealing a denial of designation as an LWDA are as follows:

**Step I:** A formal appeal request is prepared, posted for appropriate public comment, and signed by the CLEO(s) representing the appealing parties;

**Step II:** The appeal is placed in writing and submitted to the Governor;

**Step III:** Within 60 days of receipt of the appeal, the Governor will vet the appeal and advise SWDB;

**Step IV:** SWDB will convene within the same 60-day period to either approve the appeal or to advise the Governor on any need for new information;

**Step V:** If SWDB and the Governor agree additional information is necessary, the appeals process will begin again under a second 60-day period, or until a final decision is determined by the Governor.

### **Details of the Appeal Documentation:**

- The appeal shall be officially and formally developed and stated in writing in a letter addressed to the Governor of the State of Missouri.
- To be considered an official request, the letter shall fully contain and evidence the following elements:
  1. Introduction stated as a request;
  2. Use full citations from the Workforce Innovation and Opportunity Act;
  3. State the original designation, what units of government are involved, and which units of government are to be enclosed within the proposed local area upon appeal;
  4. Include a brief explanation of the influence and consideration to the request from an analysis of the labor market data and its impact upon designation, if any;
  5. Include an attachment(s) that is evidence that a public notice of the proposed designation in its entirety was developed and properly posted *before* the letter was written;

6. Any public comments that are in opposition to the designation must be attached to the letter;
  7. Such a letter must be signed by the Presiding Commissioner of each County involved in the appeal and must verify that a consensus among all other County Commissioners is thereby represented.
- Any appeal will be reviewed by the SWDB Planning Committee prior to its referral with recommendations to the full SWDB Board.
  - The appeal is made final after SWDB considers its findings and subsequent to announcement through its own public-notice process that a meeting will be held to consider the designation request.

### **The Secretary of Labor may Make Final Resolution**

Local WDBs and/or unit(s) of local government may appeal the SWDB's non-designation by making an appeal to the Secretary of the U.S. Department of Labor.<sup>4</sup> Appeals must be filed no later than 30 days after receipt of the written notification of the denial from the SWDB, and submitted according to the details and requirements outlined in [20 CFR 683.640\(b\)-\(c\)](#). As a result, the Secretary may require that the area be designated as a local area. A written decision of the final determination will be issued to the Governor and the appellant.

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<sup>4</sup> [20 CFR 683.640](#).